REMARKS

Claims 13, 17 and 18 have been amended. Minor corrections have been made to the specification. Reexamination and reconsideration are respectfully requested.

Applicants' counsel wishes to thank Examiners Yang and Zimmerman for the courtesies extended during the personal interview on May 1, 2003. The following records the substance of the interview.

In the Office Action, claims 17 and 18 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Accordingly, Applicants have amended these claims to moot this rejection by noting that the memory is fixed in the vehicle.

Regarding the drawing objection, Applicants point out that Figure 3 illustrates the constructional unit formed by the mechanical key (portion 10) and the memory fixed in the vehicle (portion 9). As can readily be seen in Figure 3, these two portions form the shape of a conventional key which can therefore be used in the activating device 1 of Figure 1 in a conventional manner to start the vehicle. It is respectfully submitted therefore that a drawing correction is not necessary.

Independent claim 13 and dependent claims 14-16 were rejected as being anticipated by SCHUERMANN (US 5,552,789). Applicants respectfully traverse this rejection as discussed during the interview and set forth below.

Applicants' independent method claim 13 recites a method for operating a vehicle in which access authorization is determined via an interrogation dialog between a control device fixed in the vehicle and an authorization verification

device carried by the user. The control device fixed in the vehicle interrogates the authorization verification device for the purpose of starting the vehicle drive unit separately and independently of the dialog for establishing access authorization.

By operating in the manner recited in claim 13, Applicants' invention minimizes the possibility of an undesired or unauthorized start of the operation of the vehicle merely by accessing the vehicle using the authorization verification device (see page 2, lines 6-24). As noted on page 8 describing Applicants' preferred embodiment, for starting the operation of the drive unit, an interrogation signal is emitted and received by the authorization verification device 5 (page 8, lines 13-16). This makes it possible to start the vehicle without using a conventional mechanical ignition key, while, on the other hand, ensuring that the authorization verification device is situated inside the vehicle by the independent query of it prior to the start of the drive unit (page 8, line 22 - page 9, line 7).

As discussed during the interview, by contrast in SCHUERMANN the information included in the transponder apparently serves to enter the car and also to provide ignition control. It does not, however, provide any disclosure or suggestion for independent interrogation for the purpose of starting the vehicle drive unit from the purpose of establishing the access authorization as recited in Applicants' claimed invention. As acknowledged during the interview, Figure 1 of SCHUERMANN illustrates a reader/controller 10 utilized to initiate the ignition function 34b upon accessing the door function 24. SCHUERMANN's key transponder responds to an interrogation from the controller/interrogator 10 and transmits an access code. The reader thus verifies the access code and can

perform vehicle initialization functions such as for the ignition (col. 3, lines 59-64).

In the Office Action, the Examiner cites to col. 7, lines 4-9 for allegedly describing an independent interrogation of the transponder independent of the dialog for establishing access authorization. However, Applicants point out that this passage refers to the additional use of the "transponder data" originally used to allow access to the vehicle (see col. 7, lines 1-2). SCHUERMANN notes that, in addition, the transponder data may be used to provide a proper identification code for starting the vehicle. It does not mean, as suggested by the Examiner, that a separate and independent interrogation occurs for the purpose of starting the vehicle drive unit as in Applicants' claimed invention. The reference to the word "alone" concerning the transponder merely indicates that the mechanical aspects of the key are not necessary for ignition control. Only through hindsight in view of Applicants' invention is this passage being read to require a separate and independent interrogation for the purpose of starting the vehicle as opposed to that for gaining access.

In view of the foregoing, Applicants submit independent claim 13 is patentable over SCHUERMANN. Further, claims 14-24 depend from claim 13 and are also submitted to be patentable.

Similarly, independent apparatus claim 25 recites a system for carrying out the prescribed method. Hence, this claim is also submitted to be patentable over SCHUERMANN whether taken alone or in view of YOSHIDA. Finally, claims 26-30 depend from claim 25 and are also submitted to be patentable.

As also discussed during the interview, Applicants' dependent claim 17 and independent claim 25 further provide that if an interrogation is unsuccessful after the start of the operation of the vehicle drive unit, then the method/system mechanically unlocks a memory 9 fixed in the vehicle to provide an access authorization code. As described in Applicants' specification, this operation provides a redundant memory that can be unlocked and removed by the vehicle user if the primary memory fails for whatever reason (see page 4, line 14 - page 5, line 11 and page 9, line 21 - page 10, line 12).

In the Office Action, claims 17 and 25 were rejected as being obvious over SCHUERMANN in view of YOSHIDA (US 5,595,257). Applicants' respectfully traverse these rejections as YOSHIDA merely describes the ejection of a traditional vehicle key when the vehicle (in this case a motorcycle) is stopped. YOSHIDA does not describe any mechanical unlocking of a memory fixed in the vehicle if an interrogation of the authorization verification device is unsuccessful. Accordingly, Applicants submit claims 17 and 25 are separately patentable over SCHUERMANN in view of YOSHIDA.

For the foregoing reasons, Applicants submit claims 13-30 are now in condition for allowance. An early notice to that effect is solicited.

Summarizing, Applicants have made an important contribution to the art to which the present subject matter pertains, for which no counterpart is shown in any of the art or combination of same. The invention is fully set forth and carefully delimited in all claims in this case. Under the patent statute, Applicants should not be deprived of the protection to which they are entitled for this contribution. Accordingly, it is respectfully requested that favorable

reconsideration and an early notice of allowance be provided for all remaining claims.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #951/48953).

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend the third paragraph bridging pages 10 and 11 as follows:

Likewise, it is possible to start the drive unit in this case. For this purpose, the unit consisting of parts 9 and 10 is fitted into the device [5] 1. Like a conventional ignition key, the key 10 is then used for permitting the starting of the operation of the drive unit by rotating the rotatable part 2. The opening and the starting of the vehicle can therefore take place conventionally at any time.

Please amend claims 13, 17 and 18 as follows:

13. (Amended) A method for operating a vehicle in which access authorization is determined via a dialogue between a control device fixed in the vehicle and an authorization verification device carried by a user, said authorization verification device also enabling a starting of the vehicle drive unit, wherein the [method] control device interrogates said authorization verification device for the purpose of starting the vehicle drive unit separately and independently of the [said] dialogue for establishing access authorization.

17. (Amended) The method according to claim 15, wherein if an interrogation is unsuccessful after the start of the operation of the vehicle drive unit, the method mechanically unlocks a [vehicle-fixed] memory fixed in the control unit of the vehicle to provide an access authorization code.

18. (Amended) The method according to claim 16, wherein if an interrogation is unsuccessful after the start of the operation of the vehicle drive unit, the method mechanically unlocks a [vehicle-fixed] memory fixed in the control unit of the vehicle to provide an access authorization code.